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## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

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<b>2001 Senate Bill 329</b>	<b>Senate Amendment 1</b>
Memo published: January 25, 2002	
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### **Current Law**

Under current law, a physician who is selected to supervise an immunization program conducted by a school district or local health department, who is not a county, city, village or school district employee, who receives no compensation for these services, and who acts in accordance with written protocols issued by the Department of Health and Family Services (DHFS), is a state agent of DHFS. State agency status permits the physician to be defended by the Attorney General in a civil action or other matter before a court or administrative agency for acts during the lawful course of the physician's duties, limits to \$250,000 the amount recoverable in such an action and requires that judgments in the actions be paid by the state. The DHFS may disapprove the selection of a physician or may require that a selected physician be removed.

### **Senate Bill 329**

Senate Bill 329 provides state agency status to physicians and dentists who provide care, treatment and services on behalf of a local health department or school district, who are not state, county, city, village or school district employees, who receive no compensation, and who provide these services in accordance with DHFS written protocols. The state agency status for these physicians and dentists applies only to specific circumstances and applies only if the selection of the physician or dentist is reviewed and approved by DHFS. DHFS may remove a physician or dentist from state agency status after providing reasonable notice and a hearing, in accordance with procedures in ch. 227, Stats. The bill also requires that reasonable notice and a hearing be provided before the removal of a physician from the immunization program under procedures in ch. 227, Stats.

### **Senate Amendment 1**

Senate Amendment 1 specifies that the revocation, suspension, annulment or withdrawal of state agency status is unlawful, except as otherwise specifically provided by law, unless DHFS gives notice to

the recipient of state agency status of the facts or conduct which warrant such action and the recipient is given an opportunity to show compliance with all lawful requirements for the retention of state agency status. If, however, DHFS finds that public health, safety or welfare imperatively requires emergency action, DHFS may order summary suspension of state agency status pending further proceedings. The amendment also authorizes DHFS to remove a physician from the immunization program under this procedure.

On January 23, 2002, the Senate Human Services and Aging Committee recommended adoption of Senate Amendment 1 on a vote of Ayes, 7; Noes, 0, and passage of the bill, as amended, on a vote of Ayes, 7; Noes, 0.

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